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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 6509 of 1993

Between:

V.Venugopal S/o.VSD Awadhanulu
Tobacco Board Regional Office,Rajahmundry
R/o.Rajahmundry.

..... PETITIONER

AND

1 Tobacco Board Rep.by its Secretary Srinivasa Rao Thotha
GNT Road Guntur.
2 Sri Ch.Yesudas
Auction Platform Tobacco Board
Jangareddygudem W.G.Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to and connected with proceedings No.40(5)/92-P.Ad., dated 22-2-1993 and proceedings No.40(6)/92-P.Ad., dated 22-2-1993 issued by the respondent-Board and quash or set aside the same with a direction to re-draw the seniority list for the categories of Assistants as well as Accountants based on the ranking assigned by the respective Departmental Promotion Committees while ordering promotion to the said categories and on that basis, review the promotions orders to the category of Assistant Managers (Accounts) through Office Order No.1(25)/92-P.Ad., dated 1-3-1993, within a period of two months, and pass such other order or orders.

Counsel for the Petitioner:MR.NUTY RAM MOHAN RAO

Counsel for the Respondent No.1 : S. Venkat Reddy

The Court made the following :

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ORDER:

1. This Writ Petition is filed challenging the promotion of the second respondent as Assistant Manager (Accounts) and seeking a direction from the respondents for his promotion with effect form 1.3.1983.

2. Petitioner was initially appointed as Junior Stenographer in the respondent Board and thereafter, he was promoted as Upper Divisional Clerk as an Assistant with effect from 1.4.1985. He was further promoted on 6.1.1988 to the post of Accountant. The grievance of the petitioner is that even though the second respondent is junior he was promoted as Assistant Manager (Accounts), ignoring the petitioner. He submits that the petitioner is also equally meritorious but the Board has promoted the second respondent as Assistant Manager (Accounts) ignoring him therefore, he seeks appropriate directions.

3. In the counter filed by the TOBACCO Board, it is stated that though the petitioner is senior but yet the second respondent obtained 'outstanding' as per the assessment made by the Departmental Promotion Committee, which met on 23.2.1990. Therefore, the second respondent was put at Serial No. 3 and the petitioner was put at Serial No. 20. Under those circumstances, the case of the petitioner was not considered for promotion. Para 6 is the relevant para, which is extracted hereunder:

> "The allegation that Sri Yesudas who is junior to the petitioner has been promoted ignoring the case of the petitioner is not true and correct. As already stated in the counter affidavit filed in the writ petition, as per the assessment made by the Departmental Promotion Committee which met on 23.2.1990 to consider the

promotion to the post of Assistant Manager (Accounts), the petitioner whose case was also considered was graded as good. Where as Ch.Yesudas though junior to the petitioner was graded as outstanding. Hence, Sri Ch. Yesudas was assigned serial No. 3 in the select list where as the petitioner was given serial No. 20."

4 . It is further submitted that the petitioner subsequently promoted as Assistant Manager. The question that falls for consideration is whether the petitioner was promoted as Assistant Manager with effect form 1.3.1993. In the wake of inevitable submissions made in para 6 extracted above, I do not find any merit in the Writ Petition and accordingly, the Writ Petition is dismissed. No costs.

15.07.2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Tobacco Board Rep.by its Secretary Srinivasa Rao Thotha
GNT Road Guntur.
2 2CD copies